UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/318,668	05/25/1999	CHARLES D. GOLLNICK	14206US01	1752

7590 02/11/2008

Christopher C. Winslade
McAndrews, Held & Malloy
500 W. Madison Street, Suite 3400
Chicago, IL 60661

EXAMINER	
SOBUTKA, PHILIP	
ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
02/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/318,668	GOLLNICK ET AL.	
	Examiner	Art Unit	
	Philip J. Sobutka	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *40 and 53-68* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *61-68* is/are allowed.

6)☒ Claim(s) *40 and 53-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/08/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 11/8/2007 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

2. The following is a quotation of 37 C.F.R. § 1.98 Regarding Content of information disclosure statement.

> *(b) (5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.*

3. The information disclosure statement filed November 8, 2007 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because some of the non patent literature cited lacks publication date in the listing (i.e. month/year) It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 40, 53-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoff (US 5,168,271).

Consider claim 40. Hoff teaches a radio frequency communication network comprising:

a plurality of roaming terminals each comprising a wireless transceiver *(Hoff see figures 1a,2b,2a, items 20n)*;

a plurality of base stations *(Hoff see figure 2A, items 44n) that* transmit information packets periodically at each of defined intervals *(note that since the "defined intervals" could represent simply the defined duration of a single time slot, Hoff's arrangement would deactivate for a consecutive plurality of time slots within a frame, Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65)* at least one of the transmitted information packets comprising information indicating respective pending messages for a plurality of recipients *(note that Hoff teaches group messages, with are messages intended for a group, or plurality of receivers, see column 22, line 66 – column 23, line27)*;

where each of said roaming data collection terminals selectively deactivates its wireless transceiver for a consecutive plurality of the defined intervals, and then activates its wireless transceiver to allow receiving at least one of the information packets *(Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65)*; and

attempts to synchronize activation of its wireless transceiver to receive information packets transmitted by at least one of the plurality of base stations; *(note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65).*

Consider claim 53. Hoff teaches a wireless communication device comprising:

a wireless transceiver operable to communicate with a base station that periodically transmits, at defined intervals *(note that Hoff's "defined intervals" are the duration of each time slot within a frame, see for example figures 5A-D, column 21, lines 60-62)* , information packets comprising information indicating pending messages *(note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65)*; and

a processor operable to cause the transceiver to be deactivated for a consecutive plurality of the defined intervals and to subsequently attempt to synchronize activation of the transceiver to receive information packets transmitted by the base

station *(note that since the "defined intervals" could represent simply the defined duration of a single time slot, Hoff's arrangement would deactivate for a consecutive plurality of time slots within a frame, Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65).*

Consider claim 54. Hoff teaches a wireless communication device comprising

a wireless transceiver operable to communicate with a base station that periodically transmits, at defined intervals *(note that Hoff's "defined intervals" are the duration of each time slot within a frame, see for example figures 5A-D, column 21, lines 60-62)*, information packets comprising information indicating pending messages *(note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65)* at least one of the transmitted information packets comprising information indicating respective pending messages for a plurality of recipients *(note that Hoff teaches group messages, with are messages intended for a group, or plurality of receivers, see column 22, line 66 – column 23, line27)*;

and

a processor operable to cause the transceiver to be deactivated for at least one of the defined intervals and to subsequently attempt to synchronize activation of the transceiver to receive information packets transmitted by the base station *(note that since the "defined intervals" could represent simply the defined duration of a single time slot, Hoff's arrangement would deactivate for a consecutive plurality of time slots within*

a frame, Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65).

Consider claim 55. Hoff teaches a wireless data communication method comprising:

wirelessly receiving, at a wireless transceiver, information packets comprising information indicating pending messages indications *(note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65)* transmitted by a base station that periodically transmits the information packets at defined intervals *(note that Hoff's "defined intervals" are the duration of each time slot within a frame, see for example figures 5A-D, column 21, lines 60-62)*;

deactivating the wireless transceiver for a consecutive plurality of the defined intervals; and attempting to synchronize activation of the wireless transceiver to receive information packets transmitted by the base station *(note that since the "defined intervals" could represent simply the defined duration of a single time slot, Hoff's arrangement would deactivate for a consecutive plurality of time slots within a frame, Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65).*

Consider claim 56. Hoff teaches a wireless data communication method comprising:

wirelessly receiving, at a wireless transceiver, information packets comprising information indicating pending messages *(note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65)* transmitted by a base station that periodically transmits the information packets at defined intervals *(note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65)* at least one of the transmitted information packets comprising information indicating respective pending messages for a plurality of recipients*(note that Hoff teaches group messages, with are messages intended for a group, or plurality of receivers, see column 22, line 66 – column 23, line27)*;

deactivating the wireless transceiver for at least one of the defined intervals; and attempting to synchronize activation of the wireless transceiver to receive information packets transmitted by the base station *(note that since the "defined intervals" could represent simply the defined duration of a single time slot, Hoff's arrangement would deactivate for a consecutive plurality of time slots within a frame, Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65)*.

Consider claim 57. Hoff teaches a wireless data communication method comprising:

deactivating a wireless transceiver for a consecutive plurality of defined intervals *(note that since the "defined intervals" could represent simply the defined duration of a*

single time slot, Hoff's arrangement would deactivate for a consecutive plurality of time slots within a frame, Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65) at which a base station periodically transmits information packets comprising information indicating pending messages *(note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65)*;

synchronizing activation of the wireless transceiver to receive information packets transmitted by the base station; and wirelessly receiving, at the wireless transceiver, information packets comprising information indicating pending messages transmitted by the base station *(Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65)*.

Consider claim 58. Hoff teaches a wireless data communication method comprising:

deactivating a wireless transceiver for at least one of a plurality of defined intervals *(note that since the "defined intervals" could represent simply the defined duration of a single time slot, Hoff's arrangement would deactivate for a consecutive plurality of time slots within a frame, Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65)* at which a base station periodically transmits information packets comprising information indicating pending messages *(note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65)* at least

one of the transmitted information packets comprising information indicating respective pending messages for a plurality of recipients *(note that Hoff teaches group messages, with are messages intended for a group, or plurality of receivers, see column 22, line 66 – column 23, line27)*;

synchronizing activation of the wireless transceiver to receive information packets transmitted by the base station; and wirelessly receiving, at the wireless transceiver, information packets comprising information indicating pending messages indications; transmitted by the base station *(Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65)*.

Consider claim 59. Hoff teaches a wireless communication device comprising:

a terminal having a wireless transceiver, the terminal having a mode of operation for selectively deactivating the terminal's wireless transceiver for at least one of a plurality of defined intervals *(note that since the "defined intervals" could represent simply the defined duration of a single time slot, Hoff's arrangement would deactivate for a consecutive plurality of time slots within a frame, Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65)* at which information packets comprising information indicating pending messages are transmitted by a remote transmitter *(note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65)* at least one of the transmitted information packets comprising information indicating respective pending messages for a plurality of recipients *(note*

that Hoff teaches group messages, with are messages intended for a group, or plurality of receivers, see column 22, line 66 – column 23, line27) and for attempting to synchronize activation of the terminal's wireless transceiver to receive information packets transmitted by the remote transceiver *(Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65).*

Consider claim 60. Hoff teaches a wireless communication device comprising: a wireless transceiver operable to be selectively deactivated for at least one of a plurality of defined intervals *(note that since the "defined intervals" could represent simply the defined duration of a single time slot, Hoff's arrangement would deactivate for a consecutive plurality of time slots within a frame, Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65)* at which information packets comprising information indicating pending messages indications are transmitted by a remote transmitter *(note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65)* at least one of the transmitted information packets comprising information indicating respective pending messages for a plurality of recipients*(note that Hoff teaches group messages, with are messages intended for a group, or plurality of receivers, see column 22, line 66 – column 23, line27)*, the wireless transceiver further operable to be synchronized to receive information packets transmitted by the remote transceiver*(Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65).*

Allowable Subject Matter

6. Claims 61-68 are allowed.

Consider claim 61. The nearest prior art as shown in Hoff fails to teach a wireless communication device comprising: control circuitry that operates to, at least: deactivate at least a portion of wireless communication circuitry for a plurality of regular intervals, where at each of the plurality of regular intervals a base station transmits a first type of information packet comprising information indicating pending messages; and after deactivating at least a portion of the wireless communication circuitry for the plurality of regular intervals, activate the at least a portion of the wireless communication circuitry to receive at least one of the first type of information packet transmitted from the base station; and if the received at least one of the first type of information packet comprises information indicating that a message is pending for the wireless communication device, then direct the wireless communication circuitry to receive the pending message from the base station.

Response to Amendment

7. Applicant's arguments with respect to claim 40 and 53-60 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's arguments filed November 9, 2007 have been fully considered but they are not persuasive.

9. applicant argues that Hoff does not show the claims periodic transmission of information packets containing information indicating pending messages. However is it noted that the claim language does not require the information packet indicating pending messages to be transmitted at EACH of the defined intervals, and as noted in the rejection the defined intervals can be broadly interpreted as merely the timing of the frames and slots. Since this periodic transmission is clearly defined in the parent application as well as the newly allowed claim 61, this difference in language is assumed to be an intentional broadening of the limitation. The claims, given the broadest reasonable interpretation as shown above, cannot distinguish over the prior art.

Conclusion

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177.

14. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip Sobutka

(571) 272-7887

2/6/8

PHILIP J. SOBUTKA
PATENT EXAMINER